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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,117	09/29/2001	Robert D. Dickinson III	TUMB-102 CON2	9177

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PATENT DEPARTMENT  
SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP  
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NEW YORK, NY 10036

EXAMINER
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CALLAHAN, PAUL E

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/967,117

Applicant(s)

DICKINSON ET AL.

Examiner

Paul Callahan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 7-24 and 29-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-24 and 29-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)

Paper No(s)/Mail Date \_\_\_\_\_ P.C.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Claims 1-15 were pending in the instant application at the time of the previous Office Action. Claims 1-6, and 25-28 have been cancelled, and new claims 29-33 added via the latest amendment. Therefore claims 7-24 and 29-33 are pending in this application and have been examined.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7-24 and 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landfield US 5,632,011, and Stockwell, US 6,072,942.

As for claim 7, Landfield teaches a method for controlling e-mail message transmission across an e-mail firewall (abstract), the e-mail firewall interposed between an internal network associated with a first policy and an external network (abstract, fig. 1), the method comprising: intercepting a plurality of data packets associated with a message from a sender user associated with the internal network (abstract), the message directed to a recipient user associated with an external network (abstract); assembling

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said data packets to an application level message (col. 4 lines 25-45). Stockwell teaches the features that Landfield fails to teach, namely filtering the application level message by examining textual content associated with the application level message by employing content filter conditions of the first policy to provide a filtering result (col. 10 lines 1-34), and restricting the transmission of the application level message in accordance with said filtering result (col. 10 lines 1-34). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature of Stockwell into the system of Landfield. It would have been desirable to do so since textual filtering would provide greater e-mail security.

As for claim 8, Stockwell teaches a method according to claim 7 that Landfield fails to teach, namely one wherein said filtering is by parsing the text of the message in accordance with said filter conditions (col. 6 lines 1-25, col. 10 lines 1-34, col. 20: appendix 1 lines 1-55). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature of Stockwell into the system of Landfield. It would have been desirable to do so since filtering based on parsing the text of the e-mail message would provide greater e-mail security.

As for claim 9, Stockwell teaches a method according to claim 7 that Landfield fails to teach, namely one wherein said filtering is by a key word search of the text of the message in accordance with said filter conditions (col. 6 lines 1-25, col. 10 lines 1-34, col. 20: appendix 1 lines 1-55). Therefore it would have been obvious to one of ordinary

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skill in the art at the time of the invention to incorporate this feature of Stockwell into the system of Landfield. It would have been desirable to do so since filtering based on parsing the text of the e-mail message would provide greater e-mail security.

As for claim 10, Stockwell teaches a method according to claim 7 that Landfield fails to teach, namely one wherein said filtering is by a word pattern search of the text of the message in accordance with said filter conditions (col. 6 lines 1-25, col. 10 lines 1-34, col. 20: appendix 1 lines 1-55). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature of Stockwell into the system of Landfield. It would have been desirable to do so since filtering based on a pattern search of the mail message would provide greater e-mail security.

As for claim 11, Stockwell teaches a method of Claim 10 that Landfield fails to teach explicitly, namely one wherein said filter conditions employ Boolean expressions (col. 10 lines 1-67). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature of Stockwell into the system of Landfield. It would have been desirable to do so since filtering based on conditions employing Boolean expressions would provide greater flexibility in constructing search expressions.

As for claim 12, Landfield teaches a method where in filtering conditions include rejecting all executable attachments (col. 4 lines 51-64).

As for claims 13 and 14, the combination of Landfield and Stockwell fails to teach a method where in filtering conditions include rejecting all executable attachments that lack a digital signature or filtering based on verification of such a signature by reference to a directory of trusted signatures. However Official Notice may be taken that the use of such filtering conditions are old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the system of Landfield and Stockwell. It would have been desirable to do so as rejection of such executable attachments would provide greater protection from malicious code such as computer viruses.

As for claim 15, Stockwell teaches a method of Claim 7 that Landfield fails to explicitly teach, namely one wherein said restricting the transmission includes routing the message in accordance with user defined routing policies (col. 10 lines 1-34). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the system of Landfield. It would have been desirable to do so as user defined routing of such restricted messages would provide greater user control over message functions such as quarantine.

As for claims 16 and 18, Landfield teaches an e-mail control system for filtering e-mail communication transmitted from an internal site associated with a first policy to a plurality of external sites (abstract), the e-mail control system interposed between a

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public network and a private network associated with said internal site (abstract), the e-mail control system comprising: a policy manager (fig 3A), the policy manager intercepting a plurality of data packets associated with an e-mail message transmitted from a user associated with said internal site to at least one user associated with said external site (abstract), the intercepting comprising suspending a transmission flow of said e-mail message between said internal site and said external site (col. 5 lines 60-67), the policy manager assembling the data packets to an application level message (col. 4 lines 18-21). Stockwell teaches features that Landfield fails to explicitly teach, namely that the policy manager applying at least one policy imposed by the first policy to said application level e-mail message by reference to textual content associated with said application level e-mail message (col. 10 lines 1-34), and a security manager coupled to the policy manager, the security manager adapted to process said application level e-mail message in accordance with policy results received from said policy manager (col. 5 lines 1-15), the security manager facilitating the transmission of said application level e-mail message to the user associated with said external site in response to predetermined organizational policy results from said policy manager (col. 5 lines 1-15, col. 10 lines 1-34). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the system of Landfield. It would have been desirable to do so since textural filtering would provide greater e-mail security.

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As for claims 17 and 24, Landfield teaches an e-mail control system for filtering e-mail communication received by an internal site associated with a first policy from an external site (abstract), the e-mail control system interposed between a public network and a private network associated with said internal site (abstract), the e-mail control system comprising: a policy manager, the policy manager intercepting a plurality of data packets associated with an e-mail message transmitted to a user associated with said internal site from a user associated with said external site (fig 3A), the policy manages assembling the data packets to an application level message (col. 4 lines 18-21).

Stockwell teaches the features of the claim that Landfield fails to explicitly teach, namely that the policy manager applying at least one condition imposed by the first policy to said application level e-mail message by reference to properties of the application level e-mail message (col. 10 lines 1-34); and a security manager coupled to the policy manager, the security manager adapted to process said application level e-mail message in accordance with policy results received from said policy manager (col. 5 lines 1-15), the security manager facilitating the transmission of said application level e-mail message to the user associated with said internal site in response to policy results from said policy manager (col. 5 lines 1-15, col. 10 lines 1-34). Landfield teaches the method of Claim 18, wherein said policy refers to a recipient address (col. 2 lines 60-67). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the system of Landfield. It would have been desirable to do so since address filtering would provide greater e-mail security by preventing malicious code from being targeted to a particular URL.



As for claim 19, Landfield teaches the method of Claim 18, wherein said policy refers to a sender address (col. 2 lines 60-67).

As for claim 20, Landfield teaches the method of Claim 18, wherein said policy refers to a recipient address (col. 2 lines 60-67).

As for claim 21, Landfield teaches the method of Claim 18, wherein said policy refers to content in the application level e-mail message body (col. 7 lines 30-36).

As for claim 22, Landfield teaches the method of Claim 18, wherein said policy refers to a message header of said application level e-mail message (col. 6 lines 60-67)

As for claim 23, Landfield teaches the method of Claim 18, wherein said processing said intercepted e-mail includes an action from the group consisting of pass, quarantine, re-route, return to sender, and send notification (Fig 3A "Reroute Button").

As for claims 29-33, the claim limitations are taught by the combination of Landfield and Stockwell as per the rejection of claims 17 and 24 found supra. The combination of Stockwell and Landfield however fail to teach detecting whether the application level message includes a digital signature attachment; applying at least one policy condition to said application level e-mail message, said policy condition applied by reference to

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said attached digital signature regarding on of: its validity, an associated identity, or an associated trusted domain, said applying providing a policy application result, and processing said application level e-mail message in accordance with said application result. Yet Official Notice may be taken that such features are old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate these features into the system of Landfield and Stockwell. It would have been desirable to do so as the usage of these characteristics a digital signature as a policy or security filter would allow for greater fidelity in authentication and non-repudiation of an e-mail message.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is: (571) 273-8300.

9/2/05

